

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 1:11-cr-071

Also Case No. 1:15-cv-384

District Judge Susan J. Dlott

Magistrate Judge Michael R. Merz

- vs -

TERRANCE WHITE

Aka TERENCE WHITE,

Defendant.

:

**NOTICE OF FILING AND RESPONSE DATE; ORDER
REGARDING CERTIFICATE OF SERVICE**

This action under 28 U.S.C. § 2255 is before the Court upon the filing, on March 16, 2017, by Defendant pro se of an uncaptioned fifty-seven page document (ECF No. 683).

On January 12, 2017, at the commencement of what was to have been an evidentiary hearing in this case, Mr. White discharged his appointed counsel, attorney Toby Henderson. Having done so, he disclosed to the Court that there were a number of claims he wished to make in the case but that Mr. Henderson had refused to make them and there were witnesses he wanted to call whom Mr. Henderson had not subpoenaed. He was ordered to file a motion to amend to add the new claims and a renewed motion of evidentiary hearing “setting forth the names of all the witnesses he wishes to testify and the topics about which he believes they will testify.”

(Order, ECF No. 681, PageID 2085). The time to file was extended to March 15, 2017, at Mr. White's request.

The Court understands Mr. White's uncaptioned filing to be his response to the Court's Order and has docketed it as a Motion to Amend. It also contains matter relevant to an evidentiary hearing and the Court will treat it as a renewed motion for evidentiary hearing.

The Court notes that the document does not contain a certificate of service showing it was served on counsel for the Government. Upon inquiry, the Government's counsel acknowledges receipt of the document. Nevertheless, Fed. R. Civ. P. 5 requires a filer to certify that service has been made. Any further filings by Defendant which do not have a certificate of service will be stricken.

The Government's time to respond to the motion to amend and for evidentiary hearing will expire April 10, 2017. If the Government intends not to file a response, the Court would appreciate being notified of that fact.

March 27, 2017.

s/ *Michael R. Merz*
United States Magistrate Judge